

REMARKS/ARGUMENTS

The Pending Claims

Claims 1, 2, 4, 5, 8, 9, 12, 13, 16, 19, 21-23, 27-29, 33, 34, 37, 39-51, and 64-77 are pending.

Amendments to the Claims

The claims have been amended to point out more particularly and claim more distinctly the invention. In particular, claim 2 has been amended to remove reference to antiviral fragments. Claims 53-55 and 59 have been canceled. No new matter has been added by way of these amendments.

Summary of the Office Action

The Office indicates that claims 1, 4, 5, 8, 9, 12, 13, 16, 19, 21-23, 27-29, 33, 34, 37, 39-51, and 64-77 contain allowable subject matter.

The Office rejects claims 2 and 54 under 35 U.S.C. § 112, first paragraph, as allegedly lacking written description.

The Office rejects claims 53-55 and 59 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. 6,193,982 in view of Ziolkowska et al. (*Acta Biochim Pol*, 53: 617-626 (2006)).

The Office also rejects claims 53-55 and 59 on the grounds of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-6 of U.S. Patent No. 6,193,982 in view of Ziolkowska et al.

Reconsideration of these rejections is hereby requested.

Examiner Interview

Applicants thank Examiner Lucas for the courtesies extended to Applicants' representative, Rachel Mejdrich, during the telephone interview of July 31, 2008. The remarks set forth herein reflect the discussion during the Examiner interview.

Discussion of the Written Description Rejections

The Office rejects claims 2 and 54 on the grounds that the specification does not provide adequate written description support for the antiviral fragments of SEQ ID NO: 1.

Applicants do not agree with the basis for the written description rejection for the reasons already made of record. However, since Applicants wish to expedite the prosecution of the subject matter considered by the Office to be in condition for allowance, claim 2 has been amended to no longer refer to fragments, and claim 54 has been canceled.

Accordingly, Applicants request that the written description rejection be withdrawn.

Discussion of the Anticipation Rejection

The Office contends that the antibodies to scytovirin recited in claims 53-55 and 59 are anticipated by the anti-idiotypic antibodies generated using cyanovirin that are described in U.S. 6,193,982 ("the '982 patent") as evidenced by Ziolkowska et al..

Applicants do not agree with the basis for the anticipation rejection for the reasons already made of record. In order to expedite the prosecution of the subject matter considered by the Office to be in condition for allowance, claims 53-55 and 59 have been canceled, thereby rendering moot the anticipation rejection. Applicants reserve the right to pursue the canceled subject matter in a later filed application.

Discussion of the Obviousness-Type Double Patenting Rejection

The Office contends that claims 53-55 and 59 are unpatentable over claims 1-6 of the '982 patent in view of Ziolkowska et al. for the same reasons as discussed above in relation to the anticipation rejection.

As discussed above, claims 53-55 and 59 have been canceled, thereby rendering moot the obviousness-type double patenting rejection.

Conclusion

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L. Gase", is written over a horizontal line. The signature is fluid and cursive.

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